

ELECTION CODE DATE CHANGES

2019 FIRST SPECIAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill changes the primary election to June 30, for the year 2020 only, and changes related dates accordingly.

Highlighted Provisions:

This bill:

- ▶ changes the primary election to June 30, for the year 2020 only, and changes related dates accordingly; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 20A-1-102**, as last amended by Laws of Utah 2019, Chapter 433
- 20A-1-201.5**, as last amended by Laws of Utah 2019, Chapter 433
- 20A-1-204**, as last amended by Laws of Utah 2019, Chapter 433
- 20A-1-503**, as last amended by Laws of Utah 2019, Chapter 255
- 20A-9-201 (Superseded 01/01/20)**, as last amended by Laws of Utah 2019, Chapters 266, 279, and 433
- 20A-9-201 (Effective 01/01/20)**, as last amended by Laws of Utah 2019, Chapters 258, 266, 279, and 433
- 20A-9-202**, as last amended by Laws of Utah 2019, Chapter 255
- 20A-9-403**, as last amended by Laws of Utah 2019, Chapters 210 and 433
- 20A-9-407**, as last amended by Laws of Utah 2019, Chapter 255
- 20A-9-408**, as last amended by Laws of Utah 2019, Chapters 210 and 255

32 **20A-9-409**, as last amended by Laws of Utah 2018, Chapter 68

33 **63I-2-220**, as last amended by Laws of Utah 2019, Chapters 136, 203, 255, and 305

34

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **20A-1-102** is amended to read:

37 **20A-1-102. Definitions.**

38 As used in this title:

39 (1) "Active voter" means a registered voter who has not been classified as an inactive
40 voter by the county clerk.

41 (2) "Automatic tabulating equipment" means apparatus that automatically examines
42 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

43 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
44 upon which a voter records the voter's votes.

45 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
46 envelopes.

47 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

48 (a) contain the names of offices and candidates and statements of ballot propositions to
49 be voted on; and

50 (b) are used in conjunction with ballot sheets that do not display that information.

51 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
52 on the ballot for their approval or rejection including:

53 (a) an opinion question specifically authorized by the Legislature;

54 (b) a constitutional amendment;

55 (c) an initiative;

56 (d) a referendum;

57 (e) a bond proposition;

58 (f) a judicial retention question;

59 (g) an incorporation of a city or town; or

60 (h) any other ballot question specifically authorized by the Legislature.

61 (6) "Ballot sheet":

62 (a) means a ballot that:

- 63 (i) consists of paper or a card where the voter's votes are marked or recorded; and
64 (ii) can be counted using automatic tabulating equipment; and
65 (b) includes punch card ballots and other ballots that are machine-countable.
- 66 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
67 together with a staple or stitch in at least three places across the top of the paper in the blank
68 space reserved for securing the paper.
- 69 (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and
70 20A-4-306 to canvass election returns.
- 71 (9) "Bond election" means an election held for the purpose of approving or rejecting
72 the proposed issuance of bonds by a government entity.
- 73 (10) "Book voter registration form" means voter registration forms contained in a
74 bound book that are used by election officers and registration agents to register persons to vote.
- 75 (11) "Business reply mail envelope" means an envelope that may be mailed free of
76 charge by the sender.
- 77 (12) "By-mail voter registration form" means a voter registration form designed to be
78 completed by the voter and mailed to the election officer.
- 79 (13) "Canvass" means the review of election returns and the official declaration of
80 election results by the board of canvassers.
- 81 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
82 the canvass.
- 83 (15) "Contracting election officer" means an election officer who enters into a contract
84 or interlocal agreement with a provider election officer.
- 85 (16) "Convention" means the political party convention at which party officers and
86 delegates are selected.
- 87 (17) "Counting center" means one or more locations selected by the election officer in
88 charge of the election for the automatic counting of ballots.
- 89 (18) "Counting judge" means a poll worker designated to count the ballots during
90 election day.
- 91 (19) "Counting room" means a suitable and convenient private place or room,
92 immediately adjoining the place where the election is being held, for use by the poll workers
93 and counting judges to count ballots during election day.

94 (20) "County officers" means those county officers that are required by law to be
95 elected.

96 (21) "Date of the election" or "election day" or "day of the election":

97 (a) means the day that is specified in the calendar year as the day that the election
98 occurs; and

99 (b) does not include:

100 (i) deadlines established for absentee voting; or

101 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
102 Voting.

103 (22) "Elected official" means:

104 (a) a person elected to an office under Section 20A-1-303 or Chapter [4] 1, Part 6,
105 Election Offenses - Generally;

106 (b) a person who is considered to be elected to a municipal office in accordance with
107 Subsection 20A-1-206(1)(c)(ii); or

108 (c) a person who is considered to be elected to a local district office in accordance with
109 Subsection 20A-1-206(3)(c)(ii).

110 (23) "Election" means a regular general election, a municipal general election, a
111 statewide special election, a local special election, a regular primary election, a municipal
112 primary election, and a local district election.

113 (24) "Election Assistance Commission" means the commission established by the Help
114 America Vote Act of 2002, Pub. L. No. 107-252.

115 (25) "Election cycle" means the period beginning on the first day persons are eligible to
116 file declarations of candidacy and ending when the canvass is completed.

117 (26) "Election judge" means a poll worker that is assigned to:

118 (a) preside over other poll workers at a polling place;

119 (b) act as the presiding election judge; or

120 (c) serve as a canvassing judge, counting judge, or receiving judge.

121 (27) "Election officer" means:

122 (a) the lieutenant governor, for all statewide ballots and elections;

123 (b) the county clerk for:

124 (i) a county ballot and election; and

- 125 (ii) a ballot and election as a provider election officer as provided in Section
126 20A-5-400.1 or 20A-5-400.5;
- 127 (c) the municipal clerk for:
128 (i) a municipal ballot and election; and
129 (ii) a ballot and election as a provider election officer as provided in Section
130 20A-5-400.1 or 20A-5-400.5;
- 131 (d) the local district clerk or chief executive officer for:
132 (i) a local district ballot and election; and
133 (ii) a ballot and election as a provider election officer as provided in Section
134 20A-5-400.1 or 20A-5-400.5; or
- 135 (e) the business administrator or superintendent of a school district for:
136 (i) a school district ballot and election; and
137 (ii) a ballot and election as a provider election officer as provided in Section
138 20A-5-400.1 or 20A-5-400.5.
- 139 (28) "Election official" means any election officer, election judge, or poll worker.
- 140 (29) "Election results" means:
141 (a) for an election other than a bond election, the count of votes cast in the election and
142 the election returns requested by the board of canvassers; or
143 (b) for bond elections, the count of those votes cast for and against the bond
144 proposition plus any or all of the election returns that the board of canvassers may request.
- 145 (30) "Election returns" includes the pollbook, the military and overseas absentee voter
146 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
147 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
148 form, and the total votes cast form.
- 149 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
150 device or other voting device that records and stores ballot information by electronic means.
- 151 (32) "Electronic signature" means an electronic sound, symbol, or process attached to
152 or logically associated with a record and executed or adopted by a person with the intent to sign
153 the record.
- 154 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.
155 (b) "Electronic voting device" includes a direct recording electronic voting device.

156 (34) "Inactive voter" means a registered voter who is listed as inactive by a county
157 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

158 (35) "Judicial office" means the office filled by any judicial officer.

159 (36) "Judicial officer" means any justice or judge of a court of record or any county
160 court judge.

161 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
162 Local Government Entities - Local Districts, and includes a special service district under Title
163 17D, Chapter 1, Special Service District Act.

164 (38) "Local district officers" means those local district board members that are required
165 by law to be elected.

166 (39) "Local election" means a regular county election, a regular municipal election, a
167 municipal primary election, a local special election, a local district election, and a bond
168 election.

169 (40) "Local political subdivision" means a county, a municipality, a local district, or a
170 local school district.

171 (41) "Local special election" means a special election called by the governing body of a
172 local political subdivision in which all registered voters of the local political subdivision may
173 vote.

174 (42) "Municipal executive" means:

175 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

176 (b) the mayor in the council-manager form of government defined in Subsection
177 10-3b-103(7); or

178 (c) the chair of a metro township form of government defined in Section 10-3b-102.

179 (43) "Municipal general election" means the election held in municipalities and, as
180 applicable, local districts on the first Tuesday after the first Monday in November of each
181 odd-numbered year for the purposes established in Section 20A-1-202.

182 (44) "Municipal legislative body" means:

183 (a) the council of the city or town in any form of municipal government; or

184 (b) the council of a metro township.

185 (45) "Municipal office" means an elective office in a municipality.

186 (46) "Municipal officers" means those municipal officers that are required by law to be

187 elected.

188 (47) "Municipal primary election" means an election held to nominate candidates for
189 municipal office.

190 (48) "Municipality" means a city, town, or metro township.

191 (49) "Official ballot" means the ballots distributed by the election officer to the poll
192 workers to be given to voters to record their votes.

193 (50) "Official endorsement" means:

194 (a) the information on the ballot that identifies:

195 (i) the ballot as an official ballot;

196 (ii) the date of the election; and

197 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
198 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

199 (B) for a ballot prepared by a county clerk, the words required by Subsection
200 20A-6-301(1)(b)(iii); and

201 (b) the information on the ballot stub that identifies:

202 (i) the poll worker's initials; and

203 (ii) the ballot number.

204 (51) "Official register" means the official record furnished to election officials by the
205 election officer that contains the information required by Section 20A-5-401.

206 (52) "Paper ballot" means a paper that contains:

207 (a) the names of offices and candidates and statements of ballot propositions to be
208 voted on; and

209 (b) spaces for the voter to record the voter's vote for each office and for or against each
210 ballot proposition.

211 (53) "Political party" means an organization of registered voters that has qualified to
212 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
213 and Procedures.

214 (54) (a) "Poll worker" means a person assigned by an election official to assist with an
215 election, voting, or counting votes.

216 (b) "Poll worker" includes election judges.

217 (c) "Poll worker" does not include a watcher.

218 (55) "Pollbook" means a record of the names of voters in the order that they appear to
219 cast votes.

220 (56) "Polling place" means the building where voting is conducted.

221 (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
222 in which the voter marks the voter's choice.

223 (58) "Presidential Primary Election" means the election established in Chapter 9, Part
224 8, Presidential Primary Election.

225 (59) "Primary convention" means the political party conventions held during the year
226 of the regular general election.

227 (60) "Protective counter" means a separate counter, which cannot be reset, that:

228 (a) is built into a voting machine; and

229 (b) records the total number of movements of the operating lever.

230 (61) "Provider election officer" means an election officer who enters into a contract or
231 interlocal agreement with a contracting election officer to conduct an election for the
232 contracting election officer's local political subdivision in accordance with Section
233 20A-5-400.1.

234 (62) "Provisional ballot" means a ballot voted provisionally by a person:

235 (a) whose name is not listed on the official register at the polling place;

236 (b) whose legal right to vote is challenged as provided in this title; or

237 (c) whose identity was not sufficiently established by a poll worker.

238 (63) "Provisional ballot envelope" means an envelope printed in the form required by
239 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
240 verify a person's legal right to vote.

241 (64) "Qualify" or "qualified" means to take the oath of office and begin performing the
242 duties of the position for which the person was elected.

243 (65) "Receiving judge" means the poll worker that checks the voter's name in the
244 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
245 after the voter has voted.

246 (66) "Registration form" means a book voter registration form and a by-mail voter
247 registration form.

248 (67) "Regular ballot" means a ballot that is not a provisional ballot.

249 (68) "Regular general election" means the election held throughout the state on the first
250 Tuesday after the first Monday in November of each even-numbered year for the purposes
251 established in Section 20A-1-201.

252 (69) "Regular primary election" means the election, held on the [fourth Tuesday of
253 June of each even-numbered year] date specified in Section 20A-1-201.5, to nominate
254 candidates of political parties and candidates for nonpartisan local school board positions to
255 advance to the regular general election.

256 (70) "Resident" means a person who resides within a specific voting precinct in Utah.

257 (71) "Sample ballot" means a mock ballot similar in form to the official ballot printed
258 and distributed as provided in Section 20A-5-405.

259 (72) "Scratch vote" means to mark or punch the straight party ticket and then mark or
260 punch the ballot for one or more candidates who are members of different political parties or
261 who are unaffiliated.

262 (73) "Secrecy envelope" means the envelope given to a voter along with the ballot into
263 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
264 the voter's vote.

265 (74) "Special election" means an election held as authorized by Section 20A-1-203.

266 (75) "Spoiled ballot" means each ballot that:

267 (a) is spoiled by the voter;

268 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

269 (c) lacks the official endorsement.

270 (76) "Statewide special election" means a special election called by the governor or the
271 Legislature in which all registered voters in Utah may vote.

272 (77) "Stub" means the detachable part of each ballot.

273 (78) "Substitute ballots" means replacement ballots provided by an election officer to
274 the poll workers when the official ballots are lost or stolen.

275 (79) "Ticket" means a list of:

276 (a) political parties;

277 (b) candidates for an office; or

278 (c) ballot propositions.

279 (80) "Transfer case" means the sealed box used to transport voted ballots to the

280 counting center.

281 (81) "Vacancy" means the absence of a person to serve in any position created by
282 statute, whether that absence occurs because of death, disability, disqualification, resignation,
283 or other cause.

284 (82) "Valid voter identification" means:

285 (a) a form of identification that bears the name and photograph of the voter which may
286 include:

287 (i) a currently valid Utah driver license;

288 (ii) a currently valid identification card that is issued by:

289 (A) the state; or

290 (B) a branch, department, or agency of the United States;

291 (iii) a currently valid Utah permit to carry a concealed weapon;

292 (iv) a currently valid United States passport; or

293 (v) a currently valid United States military identification card;

294 (b) one of the following identification cards, whether or not the card includes a
295 photograph of the voter:

296 (i) a valid tribal identification card;

297 (ii) a Bureau of Indian Affairs card; or

298 (iii) a tribal treaty card; or

299 (c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear
300 the name of the voter and provide evidence that the voter resides in the voting precinct, which
301 may include:

302 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
303 election;

304 (ii) a bank or other financial account statement, or a legible copy thereof;

305 (iii) a certified birth certificate;

306 (iv) a valid social security card;

307 (v) a check issued by the state or the federal government or a legible copy thereof;

308 (vi) a paycheck from the voter's employer, or a legible copy thereof;

309 (vii) a currently valid Utah hunting or fishing license;

310 (viii) certified naturalization documentation;

- 311 (ix) a currently valid license issued by an authorized agency of the United States;
- 312 (x) a certified copy of court records showing the voter's adoption or name change;
- 313 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 314 (xii) a currently valid identification card issued by:
- 315 (A) a local government within the state;
- 316 (B) an employer for an employee; or
- 317 (C) a college, university, technical school, or professional school located within the
- 318 state; or
- 319 (xiii) a current Utah vehicle registration.
- 320 (83) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 321 candidate by following the procedures and requirements of this title.
- 322 (84) "Voter" means a person who:
- 323 (a) meets the requirements for voting in an election;
- 324 (b) meets the requirements of election registration;
- 325 (c) is registered to vote; and
- 326 (d) is listed in the official register book.
- 327 (85) "Voter registration deadline" means the registration deadline provided in Section
- 328 20A-2-102.5.
- 329 (86) "Voting area" means the area within six feet of the voting booths, voting
- 330 machines, and ballot box.
- 331 (87) "Voting booth" means:
- 332 (a) the space or compartment within a polling place that is provided for the preparation
- 333 of ballots, including the voting machine enclosure or curtain; or
- 334 (b) a voting device that is free standing.
- 335 (88) "Voting device" means:
- 336 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 337 piercing the ballots by the voter;
- 338 (b) a device for marking the ballots with ink or another substance;
- 339 (c) an electronic voting device or other device used to make selections and cast a ballot
- 340 electronically, or any component thereof;
- 341 (d) an automated voting system under Section 20A-5-302; or

342 (e) any other method for recording votes on ballots so that the ballot may be tabulated
343 by means of automatic tabulating equipment.

344 (89) "Voting machine" means a machine designed for the sole purpose of recording
345 and tabulating votes cast by voters at an election.

346 (90) "Voting precinct" means the smallest voting unit established as provided by law
347 within which qualified voters vote at one polling place.

348 (91) "Watcher" means an individual who complies with the requirements described in
349 Section 20A-3-201 to become a watcher for an election.

350 (92) "Write-in ballot" means a ballot containing any write-in votes.

351 (93) "Write-in vote" means a vote cast for a person whose name is not printed on the
352 ballot according to the procedures established in this title.

353 Section 2. Section **20A-1-201.5** is amended to read:

354 **20A-1-201.5. Primary election dates.**

355 (1) [~~A~~] Except as provided in Subsection (4), the regular primary election shall be held
356 throughout the state on the fourth Tuesday of June of each even numbered year as provided in
357 Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for:

358 (a) national, state, school board, and county offices; and

359 (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

360 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
361 following the first Monday in August before the regular municipal election to nominate persons
362 for municipal offices.

363 (3) A presidential primary election shall be held throughout the state on the first
364 Tuesday in March in the year in which a presidential election will be held.

365 (4) In 2020, the regular primary election shall be held throughout the state on June 30,
366 as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate
367 persons for:

368 (a) national, state, school board, and county offices; and

369 (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

370 Section 3. Section **20A-1-204** is amended to read:

371 **20A-1-204. Date of special election -- Legal effect.**

372 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the

373 legislative body of a local political subdivision calling a statewide special election or local
374 special election under Section 20A-1-203 shall schedule the special election to be held on:

375 (i) in a year other than 2020, the fourth Tuesday in June; [~~or~~]

376 (ii) in 2020, June 30; or

377 [~~(iii)~~] (iii) in any year, the first Tuesday after the first Monday in November.

378 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
379 body of a local political subdivision calling a statewide special election or local special election
380 under Section 20A-1-203 may not schedule a special election to be held on any other date.

381 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative
382 body of a local political subdivision may call a local special election on a date other than those
383 specified in this section if the legislative body:

384 (A) determines and declares that there is a disaster, as defined in Section 53-2a-102,
385 requiring that a special election be held on a date other than the ones authorized in statute;

386 (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102,
387 and the reasons for holding the special election on that other date; and

388 (C) votes unanimously to hold the special election on that other date.

389 (ii) The legislative body of a local political subdivision may not hold a local special
390 election on the same date as the presidential primary election conducted under Chapter 9, Part
391 8, Presidential Primary Election.

392 (d) The legislative body of a local political subdivision may only call a special election
393 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after
394 the first Monday in November.

395 (e) Nothing in this section prohibits:

396 (i) the governor or Legislature from submitting a matter to the voters at the regular
397 general election if authorized by law; or

398 (ii) a local government from submitting a matter to the voters at the regular municipal
399 election if authorized by law.

400 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
401 special election within a county on the same day as:

402 (i) another special election;

403 (ii) a regular general election; or

404 (iii) a municipal general election.

405 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

406 (i) polling places;

407 (ii) ballots;

408 (iii) election officials; and

409 (iv) other administrative and procedural matters connected with the election.

410 Section 4. Section **20A-1-503** is amended to read:

411 **20A-1-503. Midterm vacancies in the Legislature.**

412 (1) As used in this section:

413 (a) "Filing deadline" means the final date for filing:

414 (i) a declaration of candidacy as provided in Section 20A-9-202; and

415 (ii) a certificate of nomination as provided in Section 20A-9-503.

416 (b) "Party liaison" means the political party officer designated to serve as a liaison with
417 the lieutenant governor on all matters relating to the political party's relationship with the state
418 as required by Section 20A-8-401.

419 (2) When a vacancy occurs for any reason in the office of representative in the
420 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
421 name was submitted by the party liaison of the same political party as the prior representative.

422 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
423 the office of senator in the Legislature, it shall be filled for the unexpired term at the next
424 regular general election.

425 (b) The governor shall fill the vacancy until the next regular general election by
426 immediately appointing the person whose name was submitted by the party liaison of the same
427 political party as the prior senator.

428 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
429 before August 31 of an even-numbered year in which the term of office does not expire, the
430 lieutenant governor shall:

431 (i) establish a date and time, which is before the date for a candidate to be certified for
432 the ballot under Section 20A-9-701 and no later than 21 days after the day on which the
433 vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant
434 office shall file:

- 435 (A) a declaration of candidacy; or
- 436 (B) a certificate of nomination; and
- 437 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 438 (A) on the lieutenant governor's website; and
- 439 (B) to each registered political party.
- 440 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 441 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
- 442 candidacy or certificate of nomination according to the procedures and requirements of Chapter
- 443 9, Candidate Qualifications and Nominating Procedures; and
- 444 (ii) run in the regular general election if:
- 445 (A) nominated as a party candidate; or
- 446 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
- 447 Qualifications and Nominating Procedures.
- 448 (c) If a vacancy described in Subsection (3)(a) occurs [~~on or~~] after the [~~first Monday~~
- 449 ~~after the third Saturday in April~~] deadline described in Subsection 20A-9-202(1)(b)(i) or (ii)
- 450 and before August 31₂ of an even-numbered year in which the term of office does not expire, a
- 451 party liaison from each registered political party may submit a name of a person described in
- 452 Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than August 30 for
- 453 placement on the regular general election ballot.
- 454 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
- 455 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the
- 456 unexpired term by immediately appointing the person whose name was submitted by the party
- 457 liaison of the same political party as the prior senator.
- 458 Section 5. Section **20A-9-201 (Superseded 01/01/20)** is amended to read:
- 459 **20A-9-201 (Superseded 01/01/20). Declarations of candidacy -- Candidacy for**
- 460 **more than one office or of more than one political party prohibited with exceptions --**
- 461 **General filing and form requirements -- Affidavit of impecuniosity.**
- 462 (1) Before filing a declaration of candidacy for election to any office, an individual
- 463 shall:
- 464 (a) be a United States citizen;
- 465 (b) meet the legal requirements of that office; and

466 (c) if seeking a registered political party's nomination as a candidate for elective office,
467 state:

468 (i) the registered political party of which the individual is a member; or

469 (ii) that the individual is not a member of a registered political party.

470 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

471 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
472 Utah during any election year;

473 (ii) appear on the ballot as the candidate of more than one political party; or

474 (iii) file a declaration of candidacy for a registered political party of which the
475 individual is not a member, except to the extent that the registered political party permits
476 otherwise in the registered political party's bylaws.

477 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
478 president or vice president of the United States and another office, if the individual resigns the
479 individual's candidacy for the other office after the individual is officially nominated for
480 president or vice president of the United States.

481 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
482 than one justice court judge office.

483 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
484 the individual filed a declaration of candidacy for another office in the same election year if the
485 individual withdraws as a candidate for the other office in accordance with Subsection
486 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

487 (3) (a) Except for a candidate for president or vice president of the United States,
488 before the filing officer may accept any declaration of candidacy, the filing officer shall:

489 (i) read to the individual the constitutional and statutory qualification requirements for
490 the office that the individual is seeking;

491 (ii) require the individual to state whether the individual meets those requirements; and

492 (iii) if the declaration of candidacy is for a legislative office, inform the individual that
493 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
494 or trust, under authority of the United States or Utah, from being a member of the Legislature.

495 (b) Before accepting a declaration of candidacy for the office of county attorney, the
496 county clerk shall ensure that the individual filing that declaration of candidacy is:

- 497 (i) a United States citizen;
- 498 (ii) an attorney licensed to practice law in the state who is an active member in good
499 standing of the Utah State Bar;
- 500 (iii) a registered voter in the county in which the individual is seeking office; and
- 501 (iv) a current resident of the county in which the individual is seeking office and either
502 has been a resident of that county for at least one year or was appointed and is currently serving
503 as county attorney and became a resident of the county within 30 days after appointment to the
504 office.
- 505 (c) Before accepting a declaration of candidacy for the office of district attorney, the
506 county clerk shall ensure that, as of the date of the election, the individual filing that
507 declaration of candidacy is:
- 508 (i) a United States citizen;
- 509 (ii) an attorney licensed to practice law in the state who is an active member in good
510 standing of the Utah State Bar;
- 511 (iii) a registered voter in the prosecution district in which the individual is seeking
512 office; and
- 513 (iv) a current resident of the prosecution district in which the individual is seeking
514 office and either will have been a resident of that prosecution district for at least one year as of
515 the date of the election or was appointed and is currently serving as district attorney and
516 became a resident of the prosecution district within 30 days after receiving appointment to the
517 office.
- 518 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
519 county clerk shall ensure that the individual filing the declaration:
- 520 (i) is a United States citizen;
- 521 (ii) is a registered voter in the county in which the individual seeks office;
- 522 (iii) (A) has successfully met the standards and training requirements established for
523 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
524 Certification Act; or
- 525 (B) has met the waiver requirements in Section 53-6-206;
- 526 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
527 53-13-103; and

528 (v) as of the date of the election, will have been a resident of the county in which the
529 individual seeks office for at least one year.

530 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
531 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
532 Education member, the filing officer shall ensure:

533 (i) that the individual filing the declaration of candidacy also makes the conflict of
534 interest disclosure required by Section 20A-11-1603; and

535 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
536 individual provides the conflict of interest disclosure form to the lieutenant governor in
537 accordance with Section 20A-11-1603.

538 (4) If an individual who files a declaration of candidacy does not meet the qualification
539 requirements for the office the individual is seeking, the filing officer may not accept the
540 individual's declaration of candidacy.

541 (5) If an individual who files a declaration of candidacy meets the requirements
542 described in Subsection (3), the filing officer shall:

543 (a) inform the individual that:

544 (i) the individual's name will appear on the ballot as the individual's name is written on
545 the individual's declaration of candidacy;

546 (ii) the individual may be required to comply with state or local campaign finance
547 disclosure laws; and

548 (iii) the individual is required to file a financial statement before the individual's
549 political convention under:

550 (A) Section 20A-11-204 for a candidate for constitutional office;

551 (B) Section 20A-11-303 for a candidate for the Legislature; or

552 (C) local campaign finance disclosure laws, if applicable;

553 (b) except for a presidential candidate, provide the individual with a copy of the current
554 campaign financial disclosure laws for the office the individual is seeking and inform the
555 individual that failure to comply will result in disqualification as a candidate and removal of
556 the individual's name from the ballot;

557 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
558 Electronic Voter Information Website Program and inform the individual of the submission

559 deadline under Subsection 20A-7-801(4)(a);

560 (d) provide the candidate with a copy of the pledge of fair campaign practices
561 described under Section 20A-9-206 and inform the candidate that:

562 (i) signing the pledge is voluntary; and

563 (ii) signed pledges shall be filed with the filing officer;

564 (e) accept the individual's declaration of candidacy; and

565 (f) if the individual has filed for a partisan office, provide a certified copy of the
566 declaration of candidacy to the chair of the county or state political party of which the
567 individual is a member.

568 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
569 officer shall:

570 (a) accept the candidate's pledge; and

571 (b) if the candidate has filed for a partisan office, provide a certified copy of the
572 candidate's pledge to the chair of the county or state political party of which the candidate is a
573 member.

574 (7) (a) Except for a candidate for president or vice president of the United States, the
575 form of the declaration of candidacy shall:

576 (i) be substantially as follows:

577 "State of Utah, County of _____

578 I, _____, declare my candidacy for the office of _____, seeking the
579 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
580 hold the office, both legally and constitutionally, if selected; I reside at _____
581 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
582 knowingly violate any law governing campaigns and elections; if filing via a designated
583 agent, I will be out of the state of Utah during the entire candidate filing period; I will
584 file all campaign financial disclosure reports as required by law; and I understand that
585 failure to do so will result in my disqualification as a candidate for this office and
586 removal of my name from the ballot. The mailing address that I designate for receiving
587 official election notices is _____.

588

589 _____
Subscribed and sworn before me this _____ (month\day\year).

590 Notary Public (or other officer qualified to administer oath)."; and

591 (ii) require the candidate to state, in the sworn statement described in Subsection

592 (7)(a)(i):

593 (A) the registered political party of which the candidate is a member; or

594 (B) that the candidate is not a member of a registered political party.

595 (b) An agent designated under Subsection 20A-9-202(1)[~~(b)~~](c) to file a declaration of

596 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

597 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy

598 is:

599 (i) \$50 for candidates for the local school district board; and

600 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the

601 person holding the office for all other federal, state, and county offices.

602 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

603 any candidate:

604 (i) who is disqualified; or

605 (ii) who the filing officer determines has filed improperly.

606 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received

607 from candidates.

608 (ii) The lieutenant governor shall:

609 (A) apportion to and pay to the county treasurers of the various counties all fees

610 received for filing of nomination certificates or acceptances; and

611 (B) ensure that each county receives that proportion of the total amount paid to the

612 lieutenant governor from the congressional district that the total vote of that county for all

613 candidates for representative in Congress bears to the total vote of all counties within the

614 congressional district for all candidates for representative in Congress.

615 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy

616 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by

617 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,

618 a financial statement filed at the time the affidavit is submitted.

619 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

620 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

621 statement filed under this section shall be subject to the criminal penalties provided under
622 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

623 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
624 considered an offense under this title for the purposes of assessing the penalties provided in
625 Subsection 20A-1-609(2).

626 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
627 substantially the following form:

628 "Affidavit of Impecuniosity

629 Individual Name

630 _____ Address _____

631 Phone Number _____

632 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
633 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
634 law.

635 Date _____ Signature _____

636 Affiant

637 Subscribed and sworn to before me on _____ (month\day\year)

638 _____
639 (signature)

640 Name and Title of Officer Authorized to Administer Oath _____"

641 (v) The filing officer shall provide to a person who requests an affidavit of
642 impecuniosity a statement printed in substantially the following form, which may be included
643 on the affidavit of impecuniosity:

644 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
645 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
646 penalties, will be removed from the ballot."

647 (vi) The filing officer may request that a person who makes a claim of impecuniosity
648 under this Subsection (8)(d) file a financial statement on a form prepared by the election
649 official.

650 (9) An individual who fails to file a declaration of candidacy or certificate of
651 nomination within the time provided in this chapter is ineligible for nomination to office.

652 (10) A declaration of candidacy filed under this section may not be amended or
653 modified after the final date established for filing a declaration of candidacy.

654 Section 6. Section **20A-9-201 (Effective 01/01/20)** is amended to read:

655 **20A-9-201 (Effective 01/01/20). Declarations of candidacy -- Candidacy for more**
656 **than one office or of more than one political party prohibited with exceptions -- General**
657 **filing and form requirements -- Affidavit of impecuniosity.**

658 (1) Before filing a declaration of candidacy for election to any office, an individual
659 shall:

660 (a) be a United States citizen;

661 (b) meet the legal requirements of that office; and

662 (c) if seeking a registered political party's nomination as a candidate for elective office,
663 state:

664 (i) the registered political party of which the individual is a member; or

665 (ii) that the individual is not a member of a registered political party.

666 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

667 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
668 Utah during any election year;

669 (ii) appear on the ballot as the candidate of more than one political party; or

670 (iii) file a declaration of candidacy for a registered political party of which the
671 individual is not a member, except to the extent that the registered political party permits
672 otherwise in the registered political party's bylaws.

673 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
674 president or vice president of the United States and another office, if the individual resigns the
675 individual's candidacy for the other office after the individual is officially nominated for
676 president or vice president of the United States.

677 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
678 than one justice court judge office.

679 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
680 the individual filed a declaration of candidacy for another office in the same election year if the
681 individual withdraws as a candidate for the other office in accordance with Subsection
682 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

683 (3) (a) Except for a candidate for president or vice president of the United States,
684 before the filing officer may accept any declaration of candidacy, the filing officer shall:

685 (i) read to the individual the constitutional and statutory qualification requirements for
686 the office that the individual is seeking;

687 (ii) require the individual to state whether the individual meets the requirements
688 described in Subsection (3)(a)(i); and

689 (iii) if the declaration of candidacy is for a county office, inform the individual that an
690 individual who holds a county elected office may not, at the same time, hold a municipal
691 elected office.

692 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
693 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
694 or trust, under authority of the United States or Utah, from being a member of the Legislature.

695 (b) Before accepting a declaration of candidacy for the office of county attorney, the
696 county clerk shall ensure that the individual filing that declaration of candidacy is:

697 (i) a United States citizen;

698 (ii) an attorney licensed to practice law in the state who is an active member in good
699 standing of the Utah State Bar;

700 (iii) a registered voter in the county in which the individual is seeking office; and

701 (iv) a current resident of the county in which the individual is seeking office and either
702 has been a resident of that county for at least one year or was appointed and is currently serving
703 as county attorney and became a resident of the county within 30 days after appointment to the
704 office.

705 (c) Before accepting a declaration of candidacy for the office of district attorney, the
706 county clerk shall ensure that, as of the date of the election, the individual filing that
707 declaration of candidacy is:

708 (i) a United States citizen;

709 (ii) an attorney licensed to practice law in the state who is an active member in good
710 standing of the Utah State Bar;

711 (iii) a registered voter in the prosecution district in which the individual is seeking
712 office; and

713 (iv) a current resident of the prosecution district in which the individual is seeking

714 office and either will have been a resident of that prosecution district for at least one year as of
715 the date of the election or was appointed and is currently serving as district attorney and
716 became a resident of the prosecution district within 30 days after receiving appointment to the
717 office.

718 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
719 county clerk shall ensure that the individual filing the declaration:

720 (i) is a United States citizen;

721 (ii) is a registered voter in the county in which the individual seeks office;

722 (iii) (A) has successfully met the standards and training requirements established for
723 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
724 Certification Act; or

725 (B) has met the waiver requirements in Section 53-6-206;

726 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
727 53-13-103; and

728 (v) as of the date of the election, will have been a resident of the county in which the
729 individual seeks office for at least one year.

730 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
731 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
732 Education member, the filing officer shall ensure:

733 (i) that the individual filing the declaration of candidacy also makes the conflict of
734 interest disclosure required by Section 20A-11-1603; and

735 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
736 individual provides the conflict of interest disclosure form to the lieutenant governor in
737 accordance with Section 20A-11-1603.

738 (4) If an individual who files a declaration of candidacy does not meet the qualification
739 requirements for the office the individual is seeking, the filing officer may not accept the
740 individual's declaration of candidacy.

741 (5) If an individual who files a declaration of candidacy meets the requirements
742 described in Subsection (3), the filing officer shall:

743 (a) inform the individual that:

744 (i) the individual's name will appear on the ballot as the individual's name is written on

745 the individual's declaration of candidacy;

746 (ii) the individual may be required to comply with state or local campaign finance
747 disclosure laws; and

748 (iii) the individual is required to file a financial statement before the individual's
749 political convention under:

750 (A) Section 20A-11-204 for a candidate for constitutional office;

751 (B) Section 20A-11-303 for a candidate for the Legislature; or

752 (C) local campaign finance disclosure laws, if applicable;

753 (b) except for a presidential candidate, provide the individual with a copy of the current
754 campaign financial disclosure laws for the office the individual is seeking and inform the
755 individual that failure to comply will result in disqualification as a candidate and removal of
756 the individual's name from the ballot;

757 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
758 Electronic Voter Information Website Program and inform the individual of the submission
759 deadline under Subsection 20A-7-801(4)(a);

760 (d) provide the candidate with a copy of the pledge of fair campaign practices
761 described under Section 20A-9-206 and inform the candidate that:

762 (i) signing the pledge is voluntary; and

763 (ii) signed pledges shall be filed with the filing officer;

764 (e) accept the individual's declaration of candidacy; and

765 (f) if the individual has filed for a partisan office, provide a certified copy of the
766 declaration of candidacy to the chair of the county or state political party of which the
767 individual is a member.

768 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
769 officer shall:

770 (a) accept the candidate's pledge; and

771 (b) if the candidate has filed for a partisan office, provide a certified copy of the
772 candidate's pledge to the chair of the county or state political party of which the candidate is a
773 member.

774 (7) (a) Except for a candidate for president or vice president of the United States, the
775 form of the declaration of candidacy shall:

776 (i) be substantially as follows:

777 "State of Utah, County of ____

778 I, _____, declare my candidacy for the office of _____, seeking the
 779 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
 780 hold the office, both legally and constitutionally, if selected; I reside at _____
 781 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 782 knowingly violate any law governing campaigns and elections; if filing via a designated
 783 agent, I will be out of the state of Utah during the entire candidate filing period; I will
 784 file all campaign financial disclosure reports as required by law; and I understand that
 785 failure to do so will result in my disqualification as a candidate for this office and
 786 removal of my name from the ballot. The mailing address that I designate for receiving
 787 official election notices is _____.

788

789 _____
 789 Subscribed and sworn before me this _____(month\day\year).

790 _____ Notary Public (or other officer qualified to administer oath)."; and

791 (ii) require the candidate to state, in the sworn statement described in Subsection

792 (7)(a)(i):

793 (A) the registered political party of which the candidate is a member; or

794 (B) that the candidate is not a member of a registered political party.

795 (b) An agent designated under Subsection 20A-9-202(1)[~~(b)~~](c) to file a declaration of
 796 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

797 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
 798 is:

799 (i) \$50 for candidates for the local school district board; and

800 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
 801 person holding the office for all other federal, state, and county offices.

802 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
 803 any candidate:

804 (i) who is disqualified; or

805 (ii) who the filing officer determines has filed improperly.

806 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received

807 from candidates.

808 (ii) The lieutenant governor shall:

809 (A) apportion to and pay to the county treasurers of the various counties all fees
810 received for filing of nomination certificates or acceptances; and

811 (B) ensure that each county receives that proportion of the total amount paid to the
812 lieutenant governor from the congressional district that the total vote of that county for all
813 candidates for representative in Congress bears to the total vote of all counties within the
814 congressional district for all candidates for representative in Congress.

815 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
816 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
817 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
818 a financial statement filed at the time the affidavit is submitted.

819 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

820 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
821 statement filed under this section shall be subject to the criminal penalties provided under
822 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

823 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
824 considered an offense under this title for the purposes of assessing the penalties provided in
825 Subsection 20A-1-609(2).

826 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
827 substantially the following form:

828 "Affidavit of Impecuniosity

829 Individual Name

830 _____ Address _____

831 Phone Number _____

832 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
833 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
834 law.

835 Date _____ Signature _____

836 Affiant

837 Subscribed and sworn to before me on _____ (month\day\year)

838

839

(signature)

840

Name and Title of Officer Authorized to Administer Oath _____"

841

(v) The filing officer shall provide to a person who requests an affidavit of

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impecuniosity a statement printed in substantially the following form, which may be included

843

on the affidavit of impecuniosity:

844

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

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candidate who is found guilty of filing a false statement, in addition to being subject to criminal

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penalties, will be removed from the ballot."

847

(vi) The filing officer may request that a person who makes a claim of impecuniosity

848

under this Subsection (8)(d) file a financial statement on a form prepared by the election

849

official.

850

(9) An individual who fails to file a declaration of candidacy or certificate of

851

nomination within the time provided in this chapter is ineligible for nomination to office.

852

(10) A declaration of candidacy filed under this section may not be amended or

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modified after the final date established for filing a declaration of candidacy.

854

Section 7. Section **20A-9-202** is amended to read:

855

20A-9-202. Declarations of candidacy for regular general elections.

856

(1) (a) An individual seeking to become a candidate for an elective office that is to be

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filled at the next regular general election shall:

858

(i) except as provided in Subsection (1)(~~b~~)(c), file a declaration of candidacy in

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person with the filing officer on or after January 1 of the regular general election year, and, if

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applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

861

(ii) pay the filing fee.

862

(b) Unless expressly provided otherwise in this title, for a registered political party that

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is not a qualified political party, the deadline for filing a declaration of candidacy for an

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elective office that is to be filled at the next regular general election is:

865

(i) in a year other than 2020, 5 p.m. on the first Monday after the third Saturday in

866

April; or

867

(ii) in 2020, before 5 p.m. April 27.

868

(~~b~~) (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent

869 to file a declaration of candidacy with the filing officer if:

870 (i) the individual is located outside of the state during the entire filing period;

871 (ii) the designated agent appears in person before the filing officer;

872 (iii) the individual communicates with the filing officer using an electronic device that
873 allows the individual and filing officer to see and hear each other; and

874 (iv) the individual provides the filing officer with an email address to which the filing
875 officer may send the individual the copies described in Subsection 20A-9-201(5).

876 ~~[(c)]~~ (d) Each county clerk who receives a declaration of candidacy from a candidate
877 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
878 candidacy to the lieutenant governor within one business day after the candidate files the
879 declaration of candidacy.

880 ~~[(d)]~~ (e) Each day during the filing period, each county clerk shall notify the lieutenant
881 governor electronically or by telephone of candidates who have filed a declaration of candidacy
882 with the county clerk.

883 ~~[(e)]~~ (f) Each individual seeking the office of lieutenant governor, the office of district
884 attorney, or the office of president or vice president of the United States shall comply with the
885 specific declaration of candidacy requirements established by this section.

886 (2) (a) Each individual intending to become a candidate for the office of district
887 attorney within a multicounty prosecution district that is to be filled at the next regular general
888 election shall:

889 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
890 creating the prosecution district on or after January 1 of the regular general election year, and
891 before the individual circulates nomination petitions under Section 20A-9-405; and

892 (ii) pay the filing fee.

893 (b) The designated clerk shall provide to the county clerk of each county in the
894 prosecution district a certified copy of each declaration of candidacy filed for the office of
895 district attorney.

896 (3) (a) Before ~~[5 p.m. no later than the first Monday after the third Saturday in April]~~
897 the deadline described in Subsection (1)(b)(i) or (ii), each lieutenant governor candidate shall:

898 (i) file a declaration of candidacy with the lieutenant governor;

899 (ii) pay the filing fee; and

900 (iii) submit a letter from a candidate for governor who has received certification for the
901 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
902 as a joint-ticket running mate.

903 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

904 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
905 replace the disqualified candidate.

906 (4) Before 5 p.m. no later than August 31, each registered political party shall:

907 (a) certify the names of the political party's candidates for president and vice president
908 of the United States to the lieutenant governor; or

909 (b) provide written authorization for the lieutenant governor to accept the certification
910 of candidates for president and vice president of the United States from the national office of
911 the registered political party.

912 (5) (a) A declaration of candidacy filed under this section is valid unless a written
913 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the
914 last day for filing.

915 (b) If an objection is made, the clerk or lieutenant governor shall:

916 (i) mail or personally deliver notice of the objection to the affected candidate
917 immediately; and

918 (ii) decide any objection within 48 hours after it is filed.

919 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
920 problem by amending the declaration or petition before 5 p.m. within three days after the day
921 on which the objection is sustained or by filing a new declaration before 5 p.m. within three
922 days after the day on which the objection is sustained.

923 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

924 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
925 by a district court if prompt application is made to the court.

926 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
927 of its discretion, agrees to review the lower court decision.

928 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
929 filing a written affidavit with the clerk.

930 (7) (a) Except for a candidate who is certified by a registered political party under

931 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than
932 August 31 of a general election year, each individual running as a candidate for vice president
933 of the United States shall:

934 (i) file a declaration of candidacy, in person or via a designated agent, on a form
935 developed by the lieutenant governor, that:

936 (A) contains the individual's name, address, and telephone number;

937 (B) states that the individual meets the qualifications for the office of vice president of
938 the United States;

939 (C) names the presidential candidate, who has qualified for the general election ballot,
940 with which the individual is running as a joint-ticket running mate;

941 (D) states that the individual agrees to be the running mate of the presidential candidate
942 described in Subsection (7)(a)(i)(C); and

943 (E) contains any other necessary information identified by the lieutenant governor;

944 (ii) pay the filing fee, if applicable; and

945 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)
946 that names the individual as a joint-ticket running mate as a vice presidential candidate.

947 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
948 candidacy.

949 (c) A vice presidential candidate who fails to meet the requirements described in this
950 Subsection (7) may not appear on the general election ballot.

951 Section 8. Section **20A-9-403** is amended to read:

952 **20A-9-403. Regular primary elections.**

953 (1) (a) Candidates for elective office that are to be filled at the next regular general
954 election shall be nominated in a regular primary election by direct vote of the people in the
955 manner prescribed in this section. The ~~[fourth Tuesday of June of each even-numbered year is~~
956 ~~designated as]~~ regular primary election ~~[day]~~ is held on the date specified in Section
957 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular
958 general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate
959 in a regular general election as a write-in candidate under Section 20A-9-601.

960 (b) Each registered political party that chooses to have the names of the registered
961 political party's candidates for elective office featured with party affiliation on the ballot at a

962 regular general election shall comply with the requirements of this section and shall nominate
963 the registered political party's candidates for elective office in the manner described in this
964 section.

965 (c) A filing officer may not permit an official ballot at a regular general election to be
966 produced or used if the ballot denotes affiliation between a registered political party or any
967 other political group and a candidate for elective office who is not nominated in the manner
968 prescribed in this section or in Subsection 20A-9-202(4).

969 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
970 even-numbered year in which a regular general election will be held.

971 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
972 shall:

973 (i) either declare the registered political party's intent to participate in the next regular
974 primary election or declare that the registered political party chooses not to have the names of
975 the registered political party's candidates for elective office featured on the ballot at the next
976 regular general election; and

977 (ii) if the registered political party participates in the upcoming regular primary
978 election, identify one or more registered political parties whose members may vote for the
979 registered political party's candidates and whether individuals identified as unaffiliated with a
980 political party may vote for the registered political party's candidates.

981 (b) (i) A registered political party that is a continuing political party shall file the
982 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
983 November 30 of each odd-numbered year.

984 (ii) An organization that is seeking to become a registered political party under Section
985 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
986 political party files the petition described in Section 20A-8-103.

987 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
988 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
989 office on the regular primary ballot of the registered political party listed on the declaration of
990 candidacy only if the individual is certified by the appropriate filing officer as having submitted
991 a set of nomination petitions that was:

992 (i) circulated and completed in accordance with Section 20A-9-405; and

993 (ii) signed by at least 2% of the registered political party's members who reside in the
994 political division of the office that the individual seeks.

995 (b) (i) A candidate for elective office shall submit nomination petitions to the
996 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
997 in March.

998 (ii) A candidate may supplement the candidate's submissions at any time on or before
999 the filing deadline.

1000 (c) (i) The lieutenant governor shall determine for each elective office the total number
1001 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
1002 number of individuals residing in each elective office's political division who have designated a
1003 particular registered political party on the individuals' voter registration forms on or before
1004 November 15 of each odd-numbered year.

1005 (ii) The lieutenant governor shall publish the determination for each elective office no
1006 later than November 30 of each odd-numbered year.

1007 (d) The filing officer shall:

1008 (i) verify signatures on nomination petitions in a transparent and orderly manner, no
1009 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

1010 (ii) for all qualifying candidates for elective office who submit nomination petitions to
1011 the filing officer, issue certifications referenced in Subsection (3)(a) no later than ~~5 p.m. on the~~
1012 ~~first Monday after the third Saturday in April~~ the deadline described in Subsection
1013 20A-9-202(1)(b)(i) or (ii);

1014 (iii) consider active and inactive voters eligible to sign nomination petitions;

1015 (iv) consider an individual who signs a nomination petition a member of a registered
1016 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
1017 registered political party as the individual's party membership on the individual's voter
1018 registration form; and

1019 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1020 petition signatures, or use statistical sampling procedures to verify submitted nomination
1021 petition signatures in accordance with rules made under Subsection (3)(f).

1022 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1023 lieutenant governor may appear on the regular primary ballot of a registered political party

1024 without submitting nomination petitions if the candidate files a declaration of candidacy and
1025 complies with Subsection 20A-9-202(3).

1026 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1027 director of elections, within the Office of the Lieutenant Governor, may make rules that:

1028 (i) provide for the use of statistical sampling procedures that:

1029 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1030 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1031 submission, using widely recognized statistical sampling techniques; and

1032 (ii) provide for the transparent, orderly, and timely submission, verification, and
1033 certification of nomination petition signatures.

1034 (g) The county clerk shall:

1035 (i) review the declarations of candidacy filed by candidates for local boards of
1036 education to determine if more than two candidates have filed for the same seat;

1037 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1038 local board of education seat on the nonpartisan section of the ballot if more than two
1039 candidates have filed for the same seat; and

1040 (iii) determine the order of the local board of education candidates' names on the ballot
1041 in accordance with Section 20A-6-305.

1042 (4) (a) [~~By 5 p.m. on the first Wednesday after the third Saturday in April~~] Before the
1043 deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the
1044 county clerks:

1045 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
1046 county, and county offices who have received certifications under Subsection (3), along with
1047 instructions on how those names shall appear on the primary election ballot in accordance with
1048 Section 20A-6-305; and

1049 (ii) a list of unopposed candidates for elective office who have been nominated by a
1050 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
1051 unopposed candidates from the primary election ballot.

1052 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1053 joint-ticket running mates shall appear jointly on the primary election ballot.

1054 (c) After the county clerk receives the certified list from the lieutenant governor under

1055 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1056 substantially the following form:

1057 "Notice is given that a primary election will be held Tuesday, June _____,
1058 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
1059 local school board positions listed on the primary ballot. The polling place for voting precinct
1060 _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1061 Attest: county clerk."

1062 (5) (a) A candidate who, at the regular primary election, receives the highest number of
1063 votes cast for the office sought by the candidate is:

1064 (i) nominated for that office by the candidate's registered political party; or

1065 (ii) for a nonpartisan local school board position, nominated for that office.

1066 (b) If two or more candidates are to be elected to the office at the regular general
1067 election, those party candidates equal in number to positions to be filled who receive the
1068 highest number of votes at the regular primary election are the nominees of the candidates'
1069 party for those positions.

1070 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1071 (A) no individual other than the candidate receives a certification under Subsection (3)
1072 for the regular primary election ballot of the candidate's registered political party for a
1073 particular elective office; or

1074 (B) for an office where more than one individual is to be elected or nominated, the
1075 number of candidates who receive certification under Subsection (3) for the regular primary
1076 election of the candidate's registered political party does not exceed the total number of
1077 candidates to be elected or nominated for that office.

1078 (ii) A candidate who is unopposed for an elective office in the regular primary election
1079 of a registered political party is nominated by the party for that office without appearing on the
1080 primary election ballot.

1081 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1082 office that represents more than one county, the governor, lieutenant governor, and attorney
1083 general shall, at a public meeting called by the governor and in the presence of the candidates
1084 involved, select the nominee by lot cast in whatever manner the governor determines.

1085 (b) When a tie vote occurs in any primary election for any county office, the district

1086 court judges of the district in which the county is located shall, at a public meeting called by
1087 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1088 whatever manner the judges determine.

1089 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1090 primary election provided for by this section, and all expenses necessarily incurred in the
1091 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1092 county or state, in the same manner as for the regular general elections.

1093 (8) An individual may not file a declaration of candidacy for a registered political party
1094 of which the individual is not a member, except to the extent that the registered political party
1095 permits otherwise under the registered political party's bylaws.

1096 Section 9. Section **20A-9-407** is amended to read:

1097 **20A-9-407. Convention process to seek the nomination of a qualified political**
1098 **party.**

1099 (1) This section describes the requirements for a member of a qualified political party
1100 who is seeking the nomination of a qualified political party for an elective office through the
1101 qualified political party's convention process.

1102 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
1103 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1104 the nomination of, the qualified political party under this section shall be substantially as
1105 described in Section 20A-9-408.5.

1106 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
1107 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
1108 nomination of the qualified political party for an elective office that is to be filled at the next
1109 general election, shall:

1110 (a) except as provided in Subsection 20A-9-202(1)~~(b)~~(c), file a declaration of
1111 candidacy in person with the filing officer on or after the second Friday in March and before 5
1112 p.m. on the third Thursday in March before the next regular general election; and

1113 (b) pay the filing fee.

1114 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1115 party who, under this section, is seeking the nomination of the qualified political party for the
1116 office of district attorney within a multicounty prosecution district that is to be filled at the next

1117 general election shall:

1118 (a) file a declaration of candidacy with the county clerk designated in the interlocal
1119 agreement creating the prosecution district on or after the second Friday in March and before 5
1120 p.m. on the third Thursday in March before the next regular general election; and

1121 (b) pay the filing fee.

1122 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
1123 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1124 political party, under this section, for the office of governor shall, ~~[on or before 5 p.m. on the~~
1125 ~~first Monday after the third Saturday in April]~~ before the deadline described in Subsection
1126 20A-9-202(1)(b)(i) or (ii), file a declaration of candidacy and submit a letter from the candidate
1127 for governor that names the lieutenant governor candidate as a joint-ticket running mate.

1128 (6) (a) A qualified political party that nominates a candidate under this section shall
1129 certify the name of the candidate to the lieutenant governor before ~~[5 p.m. on the first Monday~~
1130 ~~after the third Saturday in April]~~ the deadline described in Subsection 20A-9-202(1)(b)(i) or
1131 (ii).

1132 (b) The lieutenant governor shall include, in the primary ballot certification or, for a
1133 race where a primary is not held because the candidate is unopposed, in the general election
1134 ballot certification, the name of each candidate nominated by a qualified political party under
1135 this section.

1136 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1137 is nominated by a qualified political party under this section, designate the qualified political
1138 party that nominated the candidate.

1139 Section 10. Section **20A-9-408** is amended to read:

1140 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
1141 **political party.**

1142 (1) This section describes the requirements for a member of a qualified political party
1143 who is seeking the nomination of the qualified political party for an elective office through the
1144 signature-gathering process described in this section.

1145 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
1146 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1147 the nomination of, the qualified political party under this section shall be substantially as

1148 described in Section 20A-9-408.5.

1149 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
1150 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
1151 nomination of the qualified political party for an elective office that is to be filled at the next
1152 general election shall:

1153 (a) within the period beginning on January 1 before the next regular general election
1154 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering
1155 signatures under this section, file with the filing officer on a form approved by the lieutenant
1156 governor a notice of intent to gather signatures for candidacy that includes:

1157 (i) the name of the member who will attempt to become a candidate for a registered
1158 political party under this section;

1159 (ii) the name of the registered political party for which the member is seeking
1160 nomination;

1161 (iii) the office for which the member is seeking to become a candidate;

1162 (iv) the address and telephone number of the member; and

1163 (v) other information required by the lieutenant governor;

1164 (b) except as provided in Subsection 20A-9-202(1)(~~b~~)(c), file a declaration of
1165 candidacy, in person, with the filing officer on or after the second Friday in March and before 5
1166 p.m. on the third Thursday in March before the next regular general election; and

1167 (c) pay the filing fee.

1168 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1169 party who, under this section, is seeking the nomination of the qualified political party for the
1170 office of district attorney within a multicounty prosecution district that is to be filled at the next
1171 general election shall:

1172 (a) on or after January 1 before the next regular general election, and before gathering
1173 signatures under this section, file with the filing officer on a form approved by the lieutenant
1174 governor a notice of intent to gather signatures for candidacy that includes:

1175 (i) the name of the member who will attempt to become a candidate for a registered
1176 political party under this section;

1177 (ii) the name of the registered political party for which the member is seeking
1178 nomination;

- 1179 (iii) the office for which the member is seeking to become a candidate;
- 1180 (iv) the address and telephone number of the member; and
- 1181 (v) other information required by the lieutenant governor;
- 1182 (b) except as provided in Subsection 20A-9-202(1)(~~(b)~~)(c), file a declaration of
- 1183 candidacy, in person, with the filing officer on or after the second Friday in March and before 5
- 1184 p.m. on the third Thursday in March before the next regular general election; and
- 1185 (c) pay the filing fee.
- 1186 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
- 1187 who files as the joint-ticket running mate of an individual who is nominated by a qualified
- 1188 political party, under this section, for the office of governor shall, before [~~5 p.m. no later than~~
- 1189 ~~the first Monday after the third Saturday in April]~~ the deadline described in Subsection
- 1190 20A-9-202(1)(b)(i) or (ii), file a declaration of candidacy and submit a letter from the candidate
- 1191 for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- 1192 (6) The lieutenant governor shall ensure that the certification described in Subsection
- 1193 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
- 1194 under this section.
- 1195 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
- 1196 is nominated by a qualified political party under this section, designate the qualified political
- 1197 party that nominated the candidate.
- 1198 (8) A member of a qualified political party may seek the nomination of the qualified
- 1199 political party for an elective office by:
- 1200 (a) complying with the requirements described in this section; and
- 1201 (b) collecting signatures, on a form approved by the lieutenant governor, during the
- 1202 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before
- 1203 the day on which the qualified political party's convention for the office is held, in the
- 1204 following amounts:
- 1205 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
- 1206 permitted by the qualified political party to vote for the qualified political party's candidates in
- 1207 a primary election;
- 1208 (ii) for a congressional district race, 7,000 signatures of registered voters who are
- 1209 residents of the congressional district and are permitted by the qualified political party to vote

1210 for the qualified political party's candidates in a primary election;

1211 (iii) for a state Senate district race, 2,000 signatures of registered voters who are

1212 residents of the state Senate district and are permitted by the qualified political party to vote for

1213 the qualified political party's candidates in a primary election;

1214 (iv) for a state House district race, 1,000 signatures of registered voters who are

1215 residents of the state House district and are permitted by the qualified political party to vote for

1216 the qualified political party's candidates in a primary election;

1217 (v) for a State Board of Education race, the lesser of:

1218 (A) 2,000 signatures of registered voters who are residents of the State Board of

1219 Education district and are permitted by the qualified political party to vote for the qualified

1220 political party's candidates in a primary election; or

1221 (B) 3% of the registered voters of the qualified political party who are residents of the

1222 applicable State Board of Education district; and

1223 (vi) for a county office race, signatures of 3% of the registered voters who are residents

1224 of the area permitted to vote for the county office and are permitted by the qualified political

1225 party to vote for the qualified political party's candidates in a primary election.

1226 (9) (a) In order for a member of the qualified political party to qualify as a candidate

1227 for the qualified political party's nomination for an elective office under this section, the

1228 member shall:

1229 (i) collect the signatures on a form approved by the lieutenant governor, using the same

1230 circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

1231 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days

1232 before the day on which the qualified political party holds the party's convention to select

1233 candidates, for the elective office, for the qualified political party's nomination.

1234 (b) An individual may not gather signatures under this section until after the individual

1235 files a notice of intent to gather signatures for candidacy described in this section.

1236 (c) An individual who files a notice of intent to gather signatures for candidacy,

1237 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files

1238 the notice of intent to gather signatures for candidacy:

1239 (i) required to comply with the reporting requirements that a candidate for office is

1240 required to comply with; and

1241 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1242 apply to a candidate for office in relation to the reporting requirements described in Subsection
1243 (9)(c)(i).

1244 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1245 election officer shall, no later than the earlier of 14 days after the day on which the election
1246 officer receives the signatures, or one day before the day on which the qualified political party
1247 holds the convention to select a nominee for the elective office to which the signature packets
1248 relate:

1249 (i) check the name of each individual who completes the verification for a signature
1250 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1251 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1252 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1253 (iii) determine whether each signer is a registered voter who is qualified to sign the
1254 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
1255 on a petition; and

1256 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1257 signature packet.

1258 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1259 election officer shall, no later than one day before the day on which the qualified political party
1260 holds the convention to select a nominee for the elective office to which the signature packets
1261 relate, notify the qualified political party and the lieutenant governor of the name of each
1262 member of the qualified political party who qualifies as a nominee of the qualified political
1263 party, under this section, for the elective office to which the convention relates.

1264 (f) Upon receipt of a notice of intent to gather signatures for candidacy described in
1265 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1266 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1267 posts a declaration of candidacy.

1268 Section 11. Section **20A-9-409** is amended to read:

1269 **20A-9-409. Primary election provisions relating to qualified political party.**

1270 (1) The [~~fourth Tuesday of June of each even-numbered year is designated as a~~] regular
1271 primary election [~~day~~] is held on the date specified in Section 20A-1-201.5.

1272 (2) (a) A qualified political party that nominates one or more candidates for an elective
1273 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that
1274 office under Section 20A-9-408, may, but is not required to, participate in the primary election
1275 for that office.

1276 (b) A qualified political party that has only one candidate qualify as a candidate for an
1277 elective office under Section 20A-9-408 and does not nominate a candidate for that office
1278 under Section 20A-9-407, may, but is not required to, participate in the primary election for
1279 that office.

1280 (c) A qualified political party that nominates one or more candidates for an elective
1281 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that
1282 office under Section 20A-9-408 shall participate in the primary election for that office.

1283 (d) A qualified political party that has two or more candidates qualify as candidates for
1284 an elective office under Section 20A-9-408 and does not nominate a candidate for that office
1285 under Section 20A-9-407 shall participate in the primary election for that office.

1286 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
1287 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election
1288 for a county commission office if:

1289 (a) there is more than one:

1290 (i) open position as defined in Section 17-52a-201; or

1291 (ii) midterm vacancy as defined in Section 17-52a-201; and

1292 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
1293 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number
1294 of respective open positions or midterm vacancies.

1295 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1296 (i) no individual other than the candidate receives a certification, from the appropriate
1297 filing officer, for the regular primary election ballot of the candidate's registered political party
1298 for a particular elective office; or

1299 (ii) for an office where more than one individual is to be elected or nominated, the
1300 number of candidates who receive certification, from the appropriate filing officer, for the
1301 regular primary election of the candidate's registered political party does not exceed the total
1302 number of candidates to be elected or nominated for that office.

1303 (b) ~~[By 5 p.m. on the first Wednesday after the third Saturday in April]~~ Before the
1304 deadline described in Subsection (4)(c), the lieutenant governor shall:

1305 (i) provide to the county clerks:

1306 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1307 county, and county offices who have received certifications from the appropriate filing officer,
1308 along with instructions on how those names shall appear on the primary election ballot in
1309 accordance with Section 20A-6-305; and

1310 (B) a list of unopposed candidates for elective office who have been nominated by a
1311 registered political party; and

1312 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1313 election ballot.

1314 (c) The deadline described in Subsection (4)(b) is:

1315 (i) in a year other than 2020, 5 p.m. on the first Wednesday after the third Saturday in
1316 April; or

1317 (ii) in 2020, 5 p.m. April 29.

1318 Section 12. Section **63I-2-220** is amended to read:

1319 **63I-2-220. Repeal dates -- Title 20A.**

1320 (1) On January 1, 2021:

1321 (a) Subsection 20A-1-201.5(1), the language that states "Except as provided in
1322 Subsection (4)," is repealed.

1323 (b) Subsection 20A-1-201.5(4) is repealed.

1324 (c) Subsections 20A-1-204(1)(a)(i) through (iii) are repealed and replaced with the
1325 following:

1326 "(i) the fourth Tuesday in June; or

1327 (ii) the first Tuesday after the first Monday in November."

1328 (d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),
1329 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection
1330 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.

1331 (e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:

1332 "(b) Unless expressly provided otherwise in this title, for a registered political party that
1333 is not a qualified political party, the deadline for filing a declaration of candidacy for an

1334 elective office that is to be filled at the next regular general election is 5 p.m. on the first
1335 Monday after the third Saturday in April.";

1336 (f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:

1337 "(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
1338 the third Saturday in April."

1339 ~~[(+)]~~ (2) Subsection 20A-5-803(8) is repealed July 1, 2023.

1340 ~~[(2)]~~ (3) Section 20A-5-804 is repealed July 1, 2023.

1341 ~~[(3)]~~ (4) On January 1, 2026:

1342 (a) In Subsection 20A-1-102(22)(a), the language that states "or Title 20A, Chapter 4,
1343 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1344 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
1345 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1346 repealed.

1347 (c) In Section 20A-1-304, the language that states "Except for a race conducted by
1348 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
1349 Pilot Project," is repealed.

1350 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
1351 Subsection (5)," is repealed.

1352 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
1353 as provided in Subsections (5) and (6)," is repealed.

1354 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states
1355 "Subject to Subsection (5)," is repealed.

1356 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
1357 20A-3-105 are renumbered accordingly.

1358 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
1359 Subsection (2)(f)," is repealed.

1360 (i) Subsection 20A-4-101(2)(f) is repealed.

1361 (j) Subsection 20A-4-101(3) is repealed and replaced with the following:

1362 "(3) To resolve questions that arise during the counting of ballots, a counting judge
1363 shall apply the standards and requirements of Section 20A-4-105."

1364 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under

1365 Subsection 20A-4-101(2)(f)(i)" is repealed.

1366 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

1367 "(b) To resolve questions that arise during the counting of ballots, a counting judge
1368 shall apply the standards and requirements of Section 20A-4-105."

1369 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
1370 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
1371 under Subsection 20A-4-101(2)(f)(i)" is repealed.

1372 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
1373 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1374 repealed.

1375 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
1376 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1377 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
1378 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
1379 Project," is repealed.

1380 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
1381 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1382 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
1383 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1384 (s) Subsection 20A-4-304(2)(e) is repealed and replaced with the following:

1385 "(v) from each voting precinct:

1386 (A) the number of votes for each candidate; and

1387 (B) the number of votes for and against each ballot proposition;"

1388 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
1389 are renumbered accordingly, and the cross-references to those subsections are renumbered
1390 accordingly.

1391 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
1392 repealed.

1393 (v) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local political
1394 subdivision to conduct an election, is repealed.

1395 (w) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in

1396 Subsection (3) are renumbered accordingly.

1397 (x) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in

1398 Subsection (4) are renumbered accordingly.

1399 (y) In Section 20A-5-802, relating to the certification of voting equipment:

1400 (i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of

1401 Subsection (2); and

1402 (ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered
1403 accordingly.

1404 (z) Section 20A-6-203.5 is repealed.

1405 (aa) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
1406 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
1407 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1408 (bb) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter
1409 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1410 (cc) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in
1411 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1412 (dd) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
1413 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1414 (ee) In Subsection 20A-9-404(2), the language that states "Except as otherwise
1415 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1416 repealed.

1417 [~~(6)~~] (5) Section 20A-7-407 is repealed January 1, 2021.

1418 Section 13. **Effective date.**

1419 If approved by two-thirds of all the members elected to each house, this bill takes effect
1420 upon approval by the governor, or the day following the constitutional time limit of Utah
1421 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1422 the date of veto override.